

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of Russell  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 19 82

A local law ..... Liability of Town pertaining to Highway Defects  
(Insert title)

Be it enacted by the ..... Town Board ..... of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Russell ..... as follows:  
~~Town~~  
~~Village~~

1. Written notice of Highway defects required.

No civil action shall be maintained against the Town of Russell, hereinafter referred to as the "Town", or the Superintendent of Highways of the Town, or against any improvement district in the Town for damages or injuries to person or property, including those arising from the operation of snowmobiles, sustained by reason of any highway, bridge, culvert, highway marking, sign, or device, or any other property owned, operated, or maintained by the Town or any property owned, operated, or maintained by any improvement district, therein, being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, culvert, highway marking sign, or device or any other property owned, operated, or maintained by the Town or any property owned, operated, or maintained by any improvement district was actually given to the Town Clerk or the Superintendent of Highways of the Town and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger, or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway bridge, culvert, or any other property owned by the Town or any property owned by any improvement district in the Town, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Superintendent of Highways of the Town and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

liability of Town pertaining to Highway Defects

(cont'd.)

2. Transmittal of notices; corrective action.

The Superintendent of Highways of the Town shall transmit, in writing to the Town Clerk, within ten (10) days after receipt thereof, all written notices received by him pursuant to this chapter, and he shall take any and all corrective action with respect thereto as soon as practicable.

3. Record of Notices.

The Town Clerk shall keep an index record, in a separate book, of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous, or obstructed condition in or upon, or of an accumulation of ice and snow upon, any town highway, bridge, culvert, sidewalk, or any other property owned by the Town or any improvement district, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five (5) years from the date it is received. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Superintendent of Highways of the Town of the receipt of such notice.

4. Applicability.

Nothing contained in this Local Law shall be held to repeal, modify, or waive any existing requirement or statute of limitations which is applicable to these causes of action but, on the contrary, shall be held to be additional requirements to the rights to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the Town its officers and employees and/or any of its improvement districts any greater duty or obligation than it shall keep its streets, sidewalks, and public places in a reasonable safe condition for public use and travel.

complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1982,  
~~XXXXXX~~ of the Town of Russell was duly passed by the Town Board  
~~XXXXXX~~ February 27, 1982 in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, \* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County \_\_\_\_\_  
City \_\_\_\_\_ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town \_\_\_\_\_ Village \_\_\_\_\_ (Name of Legislative Body)  
on \_\_\_\_\_ 19 \_\_\_\_\_ not disapproved \_\_\_\_\_ by the \_\_\_\_\_  
and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law. (Name of Legislative Body) \*  
repassed after disapproval

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County \_\_\_\_\_  
City \_\_\_\_\_ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town \_\_\_\_\_ Village \_\_\_\_\_ (Name of Legislative Body)  
on \_\_\_\_\_ 19 \_\_\_\_\_ not disapproved \_\_\_\_\_ by the \_\_\_\_\_  
and was approved \_\_\_\_\_ Elective Chief Executive Officer \*  
repassed after disapproval \_\_\_\_\_  
on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general thereon at the special election held on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the appli-  
cable provisions of law. annual

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County \_\_\_\_\_  
City \_\_\_\_\_ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town \_\_\_\_\_ Village \_\_\_\_\_ (Name of Legislative Body)  
on \_\_\_\_\_ 19 \_\_\_\_\_ not disapproved \_\_\_\_\_  
and was approved \_\_\_\_\_ by the \_\_\_\_\_  
repassed after disapproval \_\_\_\_\_ Elective Chief Executive Officer \*  
on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
\_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the City of \_\_\_\_\_, having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on \_\_\_\_\_, 19 \_\_\_\_\_ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the Electors at the General Election of November \_\_\_\_\_, 19 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1. above.

  
Clerk of the \_\_\_\_\_, Town of \_\_\_\_\_  
officer designated by local legislative body


Date: 2-27-1982

(Seal)

(Certification to be executed by \_\_\_\_\_, Town Attorney, \_\_\_\_\_ or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ST. LAWRENCE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Town Attorney Signature  
Title \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_  
Town \_\_\_\_\_  
\_\_\_\_\_